APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,917	08/31/2001	Donald R. Abel	10006387-1	2216

7590   10/05/2005

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EXAMINER
LETT, THOMAS J

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/943,917</td><td>Applicant(s)
ABEL ET AL.</td><td></td></tr>
<tr><td>Examiner
Thomas J. Lett</td><td>Art Unit
2626</td><td></td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 August 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 August 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1.   Claims 1, 2, 6-9, 21, 22, and 26 are rejected under 35 U.S.C. 102(a) as being

anticipated by Farrell (USPN 5,383,129).

With respect to claim 1, Farrell discloses a method for estimating ink usage of a

print job, comprising:

connecting a computer peripheral device (printer section 8, col. 6, lines 49-53) to

a host computer (user interface 52, col. 6, lines 21-28) having predefined information

relating to the peripheral device (system operation information, col. 6, line 26); and

offering pricing and estimation of ink and image consumables for completing the

print job, before the print job is performed (cost of consumable materials for printing or

rendering is input to the system to be used for estimation purposes, col. 8, lines 14-17).

With respect to claim 2, discloses a method of claim 1, wherein the host

computer (user interface 52, col. 6, lines 21-28) is linked to a generic printer driver

located on the host computer (image generator processors 86, col. 6, lines 49-51).

With respect to claim 6, discloses a method of claim 1, further comprising

determining printing parameters for choosing a print option that best fits budgetary and

printing requirements of the print job (the method of Farrell estimates billing based on good materials usable to the customer and can exclude materials that are deemed useless to a customer for more efficient pricing, col. 8, lines 20-32).

With respect to claim 7, discloses a method of claim 6, wherein the printing parameters includes at least one of print quantity, print quality, print type and paper type (the method of Farrell estimates billing based on good materials usable to the customer and can exclude materials that are deemed "bad quality" to a customer for more efficient pricing, col. 8, lines 20-32).

With respect to claim 8, discloses a method of claim 6, wherein the printing parameters are ascertained by a remote printer driver (control section 7, col. 6, lines 1-4) and forwarded to a server (the unit cost of print jobs will be obtained from a database, col. 8, lines 52-56).

With respect to claim 9, discloses a method of claim 8, wherein the printing parameters are incorporated by the server (the unit cost of print jobs will be obtained from a database, col. 8, lines 52-56) in data files (lookup table, col. 8, lines 37-45) to be used by various combinations of instrumented drivers and printers located on the server and shared by other printers connected to the server (image generator processors 86, col. 6, lines 49-51).

Claim 21 a means claim is rejected for the same reason as claim 1.

Claim 22 a means claim is rejected for the same reason as claim 2.

Claim 26 a means claim is rejected for the same reason as claim 6.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or
in public use or on sale in this country, more than one year prior to the date of application for
patent in the United States.

2.   Claims 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hitachi

Koki Imaging Solutions, Inc. (HiKIS) (Office World News; Oct. 2000; vol. 28, issue 10;

pgs 30-31).

With respect to claim 10, HiKIS et al disclose a method for analyzing ink usage

for a printer, comprising:

communicating a type of ink cartridge and ink reservoir system to a host

computer as part of a print job submission (i-manage allows customers/users of a

printing machine to check a printer's equipment including consumables such as an ink

cartridge, para. 4);

estimating the ink to be used in a print job based on predefined printing

requirements (the system can monitor usage of the print system and send out

preventative maintenance regarding replacement of consumables such as toner

cartridges indicating that the system can estimate ink usage, para. 6); and

determining the number of print swaths and pages the ink cartridge can complete

based on ink available in the ink reservoir system (the system can monitor usage of the

print system and send out preventative maintenance regarding replacement of

consumables such as toner cartridges indicating that the system can estimate ink

usage, para. 6).

With respect to claim 11, HiKIS discloses a method of claim 10, further

comprising relaying the determined information to a user (the system can monitor usage

of the print system and send out preventative maintenance regarding replacement of

consumables such as toner cartridges indicating that the system can estimate ink

usage, para. 6).

With respect to claim 12, HiKIS discloses a method of claim 11, further

comprising providing the user with a plurality of options, including allowing the print job

to proceed, choosing an alternative printing system (users can send print jobs to

multiple printers, para. 8), and ordering ink consumables for the printer (para. 4).

With respect to claim 13, HiKIS discloses a method of claim 12, further

comprising offering the user upgrade options, including ordering a generic stand alone

printer driver and a server printer driver (users can connect to suppliers and web sites

for supplies, sales, and customer support via an embedded web browser, para. 4).

With respect to claim 14, HiKIS discloses a method of claim 11, further

comprising providing the user with a hyperlink via the Internet to a supplier of the printer

for automatic ordering of the ink consumables (users can connect to suppliers and web

sites for supplies, sales, and customer support via an embedded web browser, para. 4).

With respect to claim 15, discloses an ink usage monitoring system for estimating

ink usage of a print job, comprising:

a computer peripheral (i-copier/printer) device for performing the print job; and

a host computer (HiKIS discloses that the system is capable of remote access, para 2) connected to the computer peripheral device (capable of connection to other addressable printers to select printers or distribute print jobs, para. 8) and having predefined information relating to the peripheral device, wherein the host computer has pricing (I-billing on a job or page basis, para. 7) and estimation of ink and image consumables for completing the print job (i-manage allows customers/users of a printing machine to check a printer's equipment including consumables such as an ink cartridge, para. 4), before the print job is performed (the system can monitor usage of the print system and send out preventative maintenance (PM) regarding replacement of consumables such as toner cartridges indicating that the system can estimate ink usage, para. 6. Examiner notes that this PM can be performed prior to any print job being printed).

With respect to claim 16, discloses an ink usage monitoring system of claim 15, further comprising a remote printer driver (an i-copier/printer using IPP protocol) located on a server (internet server) that is connected to the host computer (users can send print jobs to multiple printers, para. 8).

With respect to claim 17, discloses an ink usage monitoring system of claim 16, wherein the server supplies information pertaining to a number of instrumented drivers and printers to the host computer (users can connect to suppliers and web sites for supplies, sales, and customer support via an embedded web browser, para. 4).

With respect to claim 18, discloses an ink usage monitoring system of claim 17, wherein the remote printer driver includes at least one of firmware and software that

determines printing parameters for choosing a print option that best fits budgetary and

printing requirements of the print job (users can choose to print a job to multiple printers

to effectively multiply throughput, save time para. 8, and can save money by accessing

remote capabilities of printers without incurring telephone charges, para. 9).

With respect to claim 19, discloses an ink usage monitoring system of claim 18,

wherein the printing parameters includes at least one of print quantity (multiply

throughput, para. 8), print quality, print type and paper type.

With respect to claim 20, discloses an ink usage monitoring system of claim 18,

wherein the printing parameters are ascertained by the remote printer driver (an i-

copier/printer using IPP protocol) and forwarded to the server that is connected to the

host computer (users can choose to print a job to multiple printers to effectively multiply

throughput, save time para. 8, and can save money by accessing remote capabilities of

printers without incurring telephone charges, para. 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Farrell (USPN 5,383,129) in view of Lin et al (USPN 6,757,070 B1).

With respect to claim 3, Farrell does not disclose that the host computer is linked to a remote printer driver in a server system. Lin et al teach of a universal print driver, col. 4, lines 54-66 linked to a host computer (client computer 20, col. 4, line 56) in a server system (client/server printing system 12, col. 3, lines 31-34).

Farrell and Lin et al are analogous art because they are from the similar problem solving area of connecting remote drivers. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the universal print driver feature of Lin et al to the system of Farrell in order to obtain a print driver useable by a client. The motivation for doing so would be to access a print driver.

With respect to claim 4, Farrell does not disclose that the server supplies information pertaining to a number of instrumented drivers and printers to the host computer. Lin et al teach of a server sending data items 114 such as a printer driver to the web browser window 18 of client computer 20, col. 5, lines 1-9.

Farrell and Lin et al are analogous art because they are from the similar problem solving area of obtaining driver information. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the universal print driver feature of Lin et al to the system of Farrell in order to obtain print driver information useable by a client. The motivation for doing so would be to access a suitable print driver.

With respect to claim 5, Farrell does not disclose that the remote server is linked to the host computer via at least one of the Internet or a local intranet. Lin et al teach of

a server sending data items 114 such as a printer driver to the web browser window 18 of client computer 20, col. 5, lines 1-9.

Farrell and Lin et al are analogous art because they are from the similar problem solving area of obtaining driver information. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the universal print driver feature of Lin et al to the system of Farrell in order to obtain print driver information useable by a client. The motivation for doing so would be to access a suitable print driver.

Claim 23 a means claim is rejected for the same reason as claim 3.

Claim 24 a means claim is rejected for the same reason as claim 4.

Claim 25 a means claim is rejected for the same reason as claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571)272-7464. The examiner can normally be reached on 7-3:30pm.
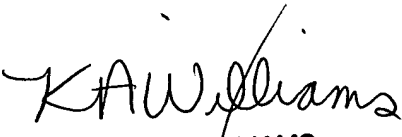
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

TJL

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER